IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.217 OF 2006

Arun Ganpat Tamore ..Petitioner.

Vs.

Divisional Controller, MSRTC ..Respondent.

...

Mr. Pankaj Das for the Petitioner.

CORAM: DR. D.Y. CHANDRACHUD, J.

16th June, 2006.

P.C. :

The Petitioner was a bus conductor. A shortage of cash was found. A disciplinary enquiry was held in which the charge of misconduct was held to be proved. The First Appellate Authority was of the view that the ends of justice would be met if an appointment on fresh terms was given to the Petitioner. The Industrial Court has in a complaint filed by the workman under the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 declined to interfere. In my view, having regard to the fact that the finding of misconduct was held to be duly established in the disciplinary enquiry which has not been found to suffer from any infirmity, the interference of this Court

under Article 227 is not warranted. As the Labour Court noted it was not the case of the Petitioner that the disciplinary enquiry suffered from any infirmity. The Appellate Authority would well have been justified in taking a strict view of the misconduct. However, having regard to the circumstances of the case, the Appellate Authority, in the interests of justice, decided to take a lenient view and to offer a fresh appointment to the Petitioner. No interference is called for at the behest of the workman. The Petition is dismissed.